

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/owner: Cooley Dickinson Health Care
30 Locust Street, Northampton, MA 01061

Date application filed with the Town Clerk: November 9, 2010

Nature of request: To install an oversized monument sign and replace a series of three (3) existing free standing identification and directional signs, under Section 8.41 of the Zoning Bylaw

Address: 170 University Drive (Map 13D, Parcel 49, OP Zoning District)

Legal notice: Published on November 3, 2010 and November 10, 2010 in the Daily Hampshire Gazette and sent to abutters on November 4, 2010

Board members: Tom Simpson, Barbara Ford, Tom Ehrgood

Town Staff: Jeffrey Bagg, Senior Planner & Bonnie Weeks, Building Commissioner

Submissions:

- Application, filed with Town Clerk on November 9, 2010;
- Management Plan, dated November 10, 2010;
- Sign Plan prepared by GDS, Inc., undated;
- Location Map, prepared by GDS, Inc., undated;
- “Other” Sign Plan, prepared by GDS, Inc., and compiled by Town staff for reference;
- Annotated photograph of University Drive, prepared by Town staff, dated November 12, 2010;
- Partial Construction Plans prepared for DPW showing University Drive road improvements;
- SPR 98-0015, with Site Plan, submitted by Town staff;
- 8 ½ x 11 plot of the proposed intersection, with aerial photograph, showing the location of the monument sign.

Site Visit: November 17, 2010

The Board members and the Senior Planner met the applicant’s consultant, Leland McKenna of GDS, Inc., on site. The Board members observed the following:

- The location of the property on the east side of University Drive, adjacent to the Center for Extended Care.
- The location of the proposed monument sign in close proximity to the entrance driveway and bike path. A preliminary layer of new asphalt was identified as being the new location of the bike path.
- The location of the existing signs to be removed and those that will be replaced.
- The location of two (2) other freestanding signs proposed as part of the application.
- The location of other signs, not under the ZBA’s jurisdiction, to be placed on the building.

Public Hearing: November 18, 2010

John Lombardi, Director of Facilities for Cooley Dickinson, Dr. Mehdi Sattari, Physician and Chief Operating Officer of the urgent care facility, and Leland McKenna, sign consultant with GDS, Inc., represented the applicant. Mr. Lombardi's statements are summarized as follows:

- Cooley Dickinson Health Care is currently in the process of changing the available onsite services. The addition of these services has necessitated a change to the existing signs on the property and on the building.
- The concept is to simplify the signs onsite to better direct patients. This would be accomplished by removing several signs, removing excess text, such as replacing a list of individual doctors with a list of Departments, and creating a color-coded system. The proposal includes three (3) freestanding signs, including a monument sign, and several signs mounted on the building. A complete sign plan showing renderings and sizes of all proposed signs and a location map has been submitted.
- The monument sign is oversized relative to its proximity to the front property line. Specifically, the proposed sign is approximately 45 square feet in size and will be 1 foot from the property line. The Zoning Bylaw limits the size of a sign at such a location to 15 square feet. The sign will be situated approximately 10 feet from the bike path and close to University Drive to help identify the site.
- The monument sign will be internally illuminated and programmed to turn off one (1) hour after the building closes.
- If the new signs are approved, all of the existing signs, except for the Northampton Pediatrics sign in the front parking lot, will be removed and replaced.

Mr. Bagg stated that University Drive is scheduled for substantial improvements by the Department of Public Works. As part of these improvements, new turning lanes will be created to access this property. Additionally, the bike path will be relocated. The construction plans were provided to the applicant who located the monument sign in accordance with these changes. At the site visit, the Board members observed a preliminary area of pavement which will constitute the edge of the relocated bike path.

The Board members reviewed the submitted information and determined there were no issues with the sign locations or size. However, the Board discussed whether there was too much information listed on the monument sign to effectively serve as an identification sign, which will be its function.

Mr. Ehrgood noted that an oversized sign may be allowed under Section 8.41 if the Zoning Board can find that it *"will serve the public convenience, will not endanger the public safety, and will be of such a size, location, and design as will not be detrimental to the neighborhood"*.

Mr. McKenna discussed this section of the Zoning Bylaw, his statements are summarized as follows:

- The signs will serve the public convenience. The signs are designed to help the public identify the property and the services provided. Currently, there is no easy way to identify the property from University Drive. The services listed on the monument sign were carefully chosen by the Director of Marketing and the doctors providing the services.

- The location of the sign close to the bike path will not endanger the public safety and is necessary because of the large street right-of-way on University Drive. The proposed location will not obstruct the view of motorists entering or exiting the property. The sign is located behind the vehicle stop line at the exit of the property allowing motorists a clear line of sight to pedestrians or bicyclists on the bike path.
- The signs will not be detrimental to the neighborhood. He noted that the property is in the Office Park (OP) Zoning District and is directly adjacent to the Center for Extended Care facility. Across University Drive is a commercial shopping plaza containing Big Y, Bank of America and CVS. The properties across the street are located in the Limited Business Zoning District. There are no residential uses in the vicinity.
- The size of the sign is the minimum needed to convey the desired information and to help identify the property. Although the monument sign is oversized because it is close to the front property line, it is setback a substantial distance from the road due to the width of the right-of-way.

Ms. Ford expressed concern about the amount of text on the monument sign. She believed that it could cause entering motorists to slow, or stop, to read it.

Mr. Ehrgood MOVED to close the evidentiary portion of the public hearing. Ms. Ford seconded the motion and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board members determined that there was not enough time to complete the decision making process that evening.

Mr. Simpson MOVED to continue the public meeting to November 30, 2010 at 7:30 p.m. Ms. Ford seconded the motion and the Board VOTED unanimously to continue the public meeting.

Public Meeting (*continued from November 18, 2010*): November 30, 2010

The Board determined that the proposed free standing directional signs and monument sign are an improvement over the existing signs on the property. They acknowledged the applicant's effort to create a comprehensive sign plan for the whole property, including the signs on the building.

Ms. Ford stated that she believed the monument sign has too many words to be truly effective, but recognized the intention of Cooley Dickinson to identify the key services offered on the property.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – *The proposal is suitably located in the neighborhood in which it is proposed and is compatible with existing uses and other uses permitted by right.* The proposal is suitably located in the neighborhood because University Drive consists of Office Park and Limited Business Zoning Districts where other similar sized signs exist and there are no residential uses. The monument sign is the only sign intended to be observed by passersby. The size of the sign is non-conforming due to its proximity to the front property line. A conforming sign would be setback a substantial distance from the road due to the large right of way.

10.382 & 10.393 – *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features, and provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting.* The signs have been designed to be the minimum size and quantity necessary to effectively communicate the onsite services. The signs will be an improvement to the existing sign types and locations. The monument sign will be internally illuminated and will be controlled by a timer with hours of illumination beginning one (1) hour before and ending one (1) hour after business hours.

10.383 & 10.387 – *The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians, and, provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements.* The proposal would not constitute a substantial inconvenience or hazard to vehicles or pedestrians because the purpose of the signs is to help the public identify the property and the services provided. The proposal will be an improvement to the existing sign arrangement because it reduces the overall number of free standing signs on the property. The location of the monument sign at the driveway will be positioned 10 feet from the bike path which will allow clear sight lines for traffic and pedestrians from all directions of travel.

10.386 & 10.392 – *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw, and, provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.*

The Board members found that the sign plan meets the criteria of Section 8.41, as follows:

8.41 – *A directional or identification sign may be erected and maintained in any district where the Board of Appeals, acting under Section 10.3, finds that such signs will serve the public convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood.* The monument sign was designed to simplify and clarify the location of the property and types of services offered to the public. The signs are color coded in a consistent format and the location of the monument sign will not obstruct the view of motorist, pedestrians or bicyclists. The size of the monument sign is compatible with other signs in the neighborhood. The directional signs are the minimum necessary to direct the public to the onsite services.

The new signs conform to the landscaping requirement of Section 8.27 and the monument sign is located in such a manner that it will not impair sight lines of pedestrians or motorists in accordance with Section 8.28.

10.398 – *The proposal is in harmony with the general purpose and intent of the Bylaw and the Master Plan.* The Board found that the proposal benefits the general public by more effectively identifying the location and services provided onsite. The proposal creates a comprehensive sign plan for the property and will result in a fewer number of signs on the site.

Public Meeting – Zoning Board Decision

Ms. Ford moved to APPROVE the application with conditions. Mr. Ehrgood seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to APPROVE the request for Special Permit, ZBA FY2011-00012, to install an oversized monument sign and replace a series of other free standing identification and directional signs, under Section 8.41 of the Zoning Bylaw, at 170 University Drive (Map 13D, Parcel 49, OP Zoning District), with conditions.

TOM SIMPSON

BARBARA FORD

TOM EHRCOOD

FILED THIS _____ day of _____, 2010 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2010.

NOTICE OF DECISION mailed this _____ day of _____, 2010
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2010,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2011-00012, to install an oversized monument sign and replace a series of other free standing identification and directional signs, under Section 8.41 of the Zoning Bylaw, at 170 University Drive (Map 13D, Parcel 49, OP Zoning District) with the following conditions:

1. The signs shall be installed and built in accordance with the plans prepared by GDS, Inc., stamped approved by the Zoning Board of Appeals on November 30, 2010.
2. The location of the signs shall be in accordance with the location map, stamped approved by the Zoning Board of Appeals on November 30, 2010.
3. Any substantial changes to the signs shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.
4. The monument sign shall be internally illuminated no more than one (1) hour before opening and shall be extinguished no later than one (1) hour after the business closing time.
5. The landscaping associated with each sign shall be implemented in accordance with the Management Plan form, stamped approved by the Zoning Board of Appeals on November 30, 2010.

Tom Simpson, Chair
Amherst Zoning Board of Appeals

DATE